X.—ANNOUNCEMENT *RE* ELECTION OF MEMBERS TO THE FINANCE COMMITTEE.

* The hon. the PRESIDENT :—" Although as many as 28 candidates were nominated to the Finance Committee at first, yet all but the following candidates have withdrawn their candidature. The continuing candidates are:

1. Rao Bahadur S. ELLAPPA CHETTIYAR.
2. Mr. J. KUPPUSWAMI.
3. Khan Bahadur MAHAMUD SCHAMNAD SAHIB Bahadur.
4. Mr. T. M. NARAYANASWAMI PILLAI.
5. The RAJA OF BOBBILI.
6. The RAJA OF KALLIKOTE.
7. Mr. T. S. RAMASWAMI AYYAR.
8. Rao Bahadur C. S. RATNASABHAPATI MUDALIYAR.

" As the number of continuing candidates is equal to the number of vacancies to be filled, namely, eight, I hereby declare them duly elected."

XI.—ANNOUNCEMENT *RE* ELECTIONS TO THE SENATE OF THE ANDHRA UNIVERSITY, ANNAMALAI UNIVERSITY, AND TO THE COURT OF THE INSTITUTE OF SCIENCE, BANGALORE.

* The hon. the PRESIDENT :—" I have to remind hon. Members that the elections to the Senates of the Andhra University and the Annamalai University and the election to the Court of the Institute of Science at Bangalore are to be held to-morrow between 12 noon and 3 p.m. The election will take place in the Secretary's room."

XII.—ADJOURNMENT MOTION *RE* USE OF FORCE BY THE POLICE IN DEALING WITH THE CIVIL DISOBEDIENCE MOVEMENT.

* Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, under Standing Order No. 20, I beg leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely—

> '*the use of force by the Police in recent cases in dealing with the civil disobedience movement.*'

" Sir, in making this motion for adjournment, it is not to be apologetic when I say that this proposition would allow of very extreme language in discussing the details of the motion, and if in the course of my speech I should slip into any such extreme language I should very much like that hon. Members should put them down more as slips than as intended. Sir, if in spite of unceremonious and discourteous rejection of representations made by public men of this Presidency, by public bodies such as the Corporation of Madras and several other local municipalities and commercial bodies like the Southern India Chamber of Commerce and other Chambers, of course Indian, if their representations were unceremoniously ignored by the Government, and if in spite of them I make a venture to place the same matter before this House, it is to test the

prestige and the value the Government attach to the verdict of this House. Of late, Sir, Indian Executive Councillors of this Government are showing an inordinate tendency to disregard the Members of this House by their somewhat indifferent and vague answers. I can understand their recklessness, because while they were not in office they were perhaps not better treated than they are treating us now. But the hon. Executive Councillors who have parliamentary experience must rise above this petty satisfaction of giving answers, vague, and indefinite, and turning to their colleagues this side and that side for appreciation and approval. Sir, I challenge this Government to force this motion to a division and take the verdict of the House. So far as I am concerned, I shall admit that I was utterly wrong in condemning the action of the Government and the Police if the verdict of the House is against me. I know that attempts will be made, as has already been whispered, to talk out this motion. If the motion is talked out, let the Government know that they are not at all scoring a victory. But, on the other hand, those who fall into the trap of the Government are proving themselves unworthy of representing their constituencies.

" Sir, within a period of slightly over six months, the Police of this Presidency have covered themselves with indignity and demoralization that is unsurpassed under any civilized Government. By the recognition, both direct and indirect, by cash presents, by promises of promotions and what not, the Government have really been the promoters of lawlessness. The use of force has been the rule of the day. When we read the details of incidents which have taken place under the somewhat imposing name of keeping law and order, one is shocked, Sir, that he is living in the twentieth century. Our memories go back to our reading the conditions of anthropological studies, and find no comparison, Sir, between that aboriginal man and the present Government. Sir, His Excellency the Governor in his opening speech yesterday, as I think very advisedly used if I may venture to say so, language meaning that the Government will use all the resources in their power to suppress the civil disobedience movement. He perhaps prudently omitted to say 'all lawful resources', thereby implying that they will use all resources, whether legal or illegal, in suppressing the movement. Sir, not being one belonging to the civil disobedience movement, I do not feel that the Government will be right in dealing with the civil disobedience movement in the way it considers best. But, Sir, humanity requires, and the fair name of any Government requires, that even the most extreme movement directed against the Government ought to be treated in the manner in which a civilized Government would treat it. Sir, we have got a certain standard of morality even against our enemies. Is this the standard of morality that this Government is going to adopt in beating every man that passes by, not only those who are participating in the civil disobedience movement but all those who happen to go along the streets, not necessarily a satyagrahi but even for that matter one who is clad in khaddar or wears a Gandhi cap? Sir, starting from Masulipatam where more than a hundred persons were injured, this

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fiendish orgy of bludgeoning permeated all through the province. It stalked through Berhampur, Ellore, Guntur, Rajahmundry, Cocanada, Madura, Salem, Calicut, Palghat, Mangalore, Vedaranniyam, Bellary, Paiyyanur, Udipi, Vellore and Madras. If there is any town left, I hope hon. Members would remind me of it. Sir, I may also add that these lathi charges were not singular in use. They were here and there spiced or may I say gingered up by the use of fire-arms. Sir, Mr. Montague, the late Secretary of State for India, in his report on Reforms stated that whenever there was an use of fire-arms it must be followed up by a committee of enquiry being set up and their findings being published. In this particular instance, in dealing with the civil disobedience movement, it stands to the lasting discredit of this Government that repeated requests for appointing committees of enquiry, whether of Government officials alone or of officials and non-officials, have been totally rejected. It is because the Government have not the courage to face a committee of any sort.

" Sir, in Madras, the Police have excelled themselves. After putting Messrs. Prakasam and Nageswara Rao Pantulu in jail, they proceeded to beat the satyagrahi volunteers on the 25th of April last when my hon. Friend, the Home Member, was on the cool heights of Ootacamund. On one morning, Sir, when about twenty satyagrahis were marching to the sea-shore, presumably to manufacture contraband salt, they were surrounded by the Police large enough in numbers to take charge of each satyagrahi, under the immediate presence and distinguished patronage of Mr. Cunningham, the then Commissioner of Police. They were not only surrounded, but they were asked also to disperse. Evidently and admittedly, the satyagrahis refused to disperse. What is the duty of the Police then? The duty of the Police in any civilized country would be to take charge of the volunteers, bring them to book, produce them before the Court and if possible get convictions for them, and put them in jail. No, that ought not to be the rule! For, the answer is: ' Well, are we to provide jails for all these people who disobey laws? Is it a proposition that is practicable? ' That shows, Sir, that the whole population is against you. That is an argument, Sir, that the Government have failed in their duty and that they are no longer governing this province with the consent of the governed. Apart from that, if putting all those who disobey laws in the jail is not a practicable proposition, is it the alternative to beat them mercilessly and to leave the wounded uncared for? I should like to have a definite and direct answer to the question from the hon. the Home Member. I know he is secure in his seat; as an Executive Councillor his position cannot be shaken. But that is no reason for pursuing his present policy. One day or other he will have to come out and face the public. I know, to this the reply of the hon. the Home Member will be ' well, I know the people as well as you do. I thought this was the best thing to do.' However, Sir, that is not an answer which I am sure will come out of the same Sir Mahomed Usman once he leaves that position or once he is disappointed in his ambitions,

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" Sir, to protest against this merciless beating of the Police, there was a monster meeting on the sands of the Madras beach organized by all parties. Of course, the Government might ridicule the idea of calling that meeting an all-party meeting. Probably, if they would accept a correction, may I say an all-Indian meeting, may I say an all-citizen meeting instead of all-party meeting? Because there were also non-Indians in the same meeting to sympathize with us. My hon. Friend, Diwan Bahadur B. Muniswami Nayudu, was one of the signatories to that meeting and one of the intended speakers at that meeting. He really sympathized that there should have been such merciless beating of the satyagrahis. If only it was possible for him to reach the platform, he would have been perhaps one of the speakers, and this would have eliminated his chances of being called on to interview His Excellency the Governor as a ' man of standing.' Whatever that may be, most of the Justice party members were sympathizers with the object of that meeting, and indeed my hon. Friend, Doctor Natesa Mudaliyar and the present President of the Corporation of Madras, Mr. P. T. Kumaraswami Chettiyar, and several others took part in the meeting and protested in serious yet temperate language against the Police excesses. But the gathering of such a large public on the sands to condemn even though in temperate language the action of the Police was very galling; it was an eye-sore to them, and they must establish a case that there has been lawnessness in the City. That is why the Commissioner of Police took stringent measures to put them down. Therefore, it is just possible that the meeting turned out to be a disorderly meeting. Sir, it may be said on behalf of the Police that the people assembled there had become a riotous assembly and that therefore the Commissioner of Police was perfectly right in dealing with the situation as he did. And if I may recall what was said in the Government communiqué on the matter, they did not compliment Mr. Cunningham for not using fire-arms earlier than he did but yet approved of Mr. Cunningham's action because he showed considerable restraint in not using fire-arms and used it when it became inevitably necessary.

" Sir, the moment we cross this bench and become Executive Councillors we do not cease to be citizens nor do we cease to be responsible to the people, because we occupied Opposition benches. It may be that to-morrow I may occupy that seat. Am I then to be considered irresponsible so long as I was on this side? I am as much responsible if not more responsible than Sir Mahomed Usman because I am an elected representative, and I say that the meeting was the most orderly meeting that was ever held by the citizens of Madras. There were no doubt large numbers of people crowding on the Marina road, but they were perfectly orderly and did not exhibit any acts of violence.

4-15 p.m. " Sir, to deal with situations of this kind, some tact is required and Mr. C. B. Cunningham is one who is endowed with a good deal of tact, but unfortunately it has disappeared ever since the civil disobedience movement began. Sir, a clash could have been easily avoided if only the Commissioner of Police had issued instructions to divert the traffic

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from the Senate House right up to the Ice House Road. But no, that ought not to be done. The telephone wire was all on a sudden cut away. This sentence was found added to the version of the Police towards the end. Evidently that was an afterthought. Now, Sir, if there was the telephone wire to bring the reserve Police from the Commissioner's office, I wonder how the telephone wire between the Presidency College and the sergeant who was perhaps on duty at the other end of the beach got cut away. Granting that this was the case, could not a sowar be sent to instruct the sergeant to divert the traffic? No, nothing should be done. The people must be taught a lesson. That was the idea.

" Sir, in the Police version of the incident there is an insinuation that the leaders abandoned the meeting the moment it became disorderly. There was nothing of the sort. I repudiate that insinuation. Sir, the facts are these: When we found that the Police were acting disorderly on the Marina road, we thought that the most prudent course would be to disperse the meeting. We carried the resolution of the meeting and showed the people assembled the route which they should take in order to avert a clash with the Police. But, no, the sowars must go down to the sands and chase people everywhere 'forwards and backwards.' These are the very words used in the communiqué. Now Sir, how can you expect people to go to their homes if they are chased 'backwards and forwards'? I would like that experiment to be tried on people who are in favour of it and see whether they could easily avoid coming into conflict with the Police. Sir, several people were injured and then there was an unfortunate death of one of the most promising advocates of this City and one of the most useful social workers, Mr. E. K. Govindaswami, B.A., B.L. That unfortunate young man happened to go to Triplicane in order to see his wife and just as he was getting down from the lorry he got a shot. Well, Sir, afterwards a large number of people gathered there to justify the Commissioner ordering fire. But how did the shot get through the huge crowd without hitting anybody in the crowd and hit the poor man who was getting down from the lorry at the Bells road. If the Commissioner was justified in giving the order to fire, ought he not to have taken the ordinary precautions to see that the lorries did not come near the firing line? No, nothing should be done, because the people ought to be taught a lesson. That was the idea. Sir, in this connexion may I ask what is the grace which the Government have shown in regard to the advocates' meeting to sympathize and condole with the family of the victim Mr. E. K. Govindaswami? The advocates were given perhaps a deserved reply, in these circumstances by the Commissioner of Police that their meeting was ostensibly for the purpose of condoling the death of Mr. Govindaswami, thereby implying evidently that their real object was to condemn the Police action. That was the response which the advocates got at the hands of the Commissioner of Police. Not only in Madras but elsewhere also the Government seem to have abdicated their powers to the Police. I am not exaggerating the state of affairs, because this morning the hon. the Home Member conceded that so far as the question

of dealing with such situations is concerned the Government have given a blank cheque to the Inspector-General of Police. 'Whatever he does, we are confident', I suppose that was the wording used, 'we are confident that he would do perfectly well'. Well, if the Inspector-General of Police could be trusted to deal with these situations, I wonder what is the use of an Executive Councillor here. He seems to be a more trustworthy man than the Executive Councillor. I would rather appeal to him than to the Executive Councillor if he is going to say 'I have full confidence in the Inspector-General of Police'.

"Sir, the wearing of Gandhi caps and the carrying of national flags are an eye-sore to the police and not only to the police, but also to the magistracy. Caps were forcibly pulled from the heads of the wearers. There are several people who ordinarily wear such caps without attaching any political significance to it. Even those people were insulted. There is our friend Mr. Venkataratnam who was till to-day in jail having been released only this morning. He is in possession of a Gandhi cap. Such gentlemen are insulted by the Gandhi caps being pulled off their heads. I would like hon. Members to imagine what a person would feel when such an insulting treatment was meted out to him. Let the hon. the Home Member have the imagination to think of the enormity of the indignity offered to such gentlemen. Let him not merely speak as a megaphone machine. Let him realize the seriousness of the situation. Let him for one moment translate himself to these benches and find out what our feelings are in respect of this treatment. It is true that a lawless movement should be suppressed, but there is a civilized way of suppressing it. Supposing you take them to a court, put them all in jail and then begin to kill them. Will that be justified? Will it not be considered an atrocious act? Sir, even after the High Court has revised or set aside convictions for wearing Gandhi caps in Guntur and Rajahmundry, the Government are not moving in the matter. I suppose the Government are showing contempt to the judicial decisions of the High Court by not examining the cases of those who were convicted in similar circumstances. I know the explanation will be that the parties have not chosen to appeal and that therefore they cannot move in the matter. Well, Mr. President, you are aware that members of the civil disobedience movement have declined to defend themselves. That being the case, it is all the more reason why a humane Government, why a civilized Government, why a Government which has any claim to be responsible and responsive should examine the cases concerned. I know to some extent by association the irritation and the acerbity of feeling which the hon. Sir Krishnan Nayar felt when his friend Mr. Narayana Menon was not released at his instance. I should like to remind him of those feelings. Let him not stifle those noble sentiments because he is an Executive Council Member. Let him remember that Mr. Narayana Menon has the excellent qualities which he enumerated and so also let the hon. the Home Member remember that every one who has gone to jail in connexion with the civil disobedience movement is unselfish and prepared to sacrifice himself, his honour, his

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career and his prospects for the good of the country. Sir, whether they are misguided or well-guided, they are entitled to our respect. I would say more. They are not as selfish as we are. Therefore, there is every reason why their feelings ought to be respected.

"Young boys reading in the schools and colleges were mercilessly beaten by the police. The police, it seems, could enter any educational building or institution despite the protests of the heads thereof. In spite of the protests of the principals of the colleges, who are in most cases Europeans, the police entered those institutions and beat the boys. Now, conceive of our own children being beaten like that probably for some boyish freaks of theirs, like shouting Gandhi-Ki-Jai when His Excellency was passing their way. Now, Sir, boys are boys and even the hon. Sir Mahomed Usman was a boy once (laughter) and I daresay that it is the mischievous tendencies in the boyhood that develop into cleverness and intelligence in manhood. Sir Mahomed Usman is an intelligent and clever man and he must have been a mischievous boy (renewed laughter). Do you like, Sir, that all these boyish freaks should be put down with the bludgeon and with the lathi? Has any hon. Member sitting on those (Government) benches seen the size of a lathi and the thickness of it? Has any one of them seen a lathi being used? Have any one of us submitted himself to a lathi charge? Sir, apart from the deservedness of this form of punishment, there is what is called self-respect in man. Sir, I appeal to Europeans in this matter. I know that they do not attach any importance to the policemen beating the people into submission in order to suppress this movement and are taking the thing coolly. I humbly submit therefore that if that is the real conviction of Europeans—I think differently having read of their character as portrayed in books to some extent—but if that is really their conviction, I must respectfully say that our ideas of personal respect and their ideas of personal respect disagree. That may be perhaps one salutary difference between our civilization and their civilization, and forms part of our national trait. In this respect therefore, perhaps India has got to teach a lot to England. Sir, this is a matter between Indians and Indians. Therefore in deference to the feelings of Indians who feel very strongly in matters of this kind, Europeans ought to desist from further irritating their feelings. I challenge any European member here to induce any Indian in this House to speak in favour of the position they are taking. The general feeling prevalent among all Indians is the same. They need not therefore think that they would be supporting the Opposition if they keep quiet and do not wedge in between our feelings and our condemnation of the lathi charge by the police.

"Sir, young boys have been sent to Borstal School for periods of two years and four years. The Government have not cared to look into these cases. In one case the Sessions Judge of Nellore has refused to convict little boys. I may say in this connexion, Sir, that in general and on the whole, European judges and European magistrates have shown far more fairness in dealing with cases of this

kind than the Indians themselves because the Indians are there to exploit British administration in order to aggrandize their own status and position in the official world. That is the reason. I do not want that that reason should prevail in the case of the hon. the Home Member, because he has reached the pinnacle of the position. He has nothing more to aspire for (a Voice: 'Question.') except the goodwill of the people with whom he has got to live. Sir, Justice Bardswell characterized certain proceedings of a subordinate magistrate as 'horribly summary'. Is a stronger condemnation than this required? Sir, there are hundreds of cases now in our land which are equally horribly summarily dealt with. So, Sir, the responsibility of the hon. the Home Member is very great indeed and I hope that before he lays down the reins of office as Executive Councillor of this Government he would lay claim to a certificate and a testimonial that he stood by us in times of need.

4-30 p.m. "I know it may be said that, while our capacity for self-government and our capacity to administer law and order is at stake. I am proving a case that an Indian was able to control law and order by merely dotting the i's and dashing the t's, i.e., by merely approving the action of the police. That is not the way for the establishment of one's capacity for self-government. I know we may feel complacent in our capacity for self-government and in our capacity for preservation of law and order, because we had been simply registering the decrees of our subordinate heads of departments. But I daresay that is not the way to judge our capacity at all. I know English people have a different notion of our capacity for self-government and our responsibility. They are far more shrewd than we seem to think of them. They would like to know whether you are able to say 'no' face to face. If they understand that you are able to argue with them, then they respect you; otherwise they kick you. If they feel that you are able to hold your own, then they come to compromise. I know of an Englishman, a shrewd observer, who respects one that has the courage to face him, one who argues with him and not one who simply submits himself to the notes put up by heads of departments. As a matter of fact, the European might pride over an Indian if the latter does not collapse and capitulate, when he is put in power, to all the dictums of his subordinates, but rises above and begins to take an independent view. I have not the slightest doubt that if this motion is pressed to a division,—I hope the hon. the Home Member will not burke it—it will induce not only the official and nominated Members to vote with me, but also my hon. Friend, Mr. Muniswami Nayudu, and his party men. I know my Friend, Mr. Muniswami Nayudu. I am not a stronger nationalist than he. If unfortunately he cannot speak with the same feelings as I am doing, it is not because he has no idea of the atrocities committed by the police as I do. As a matter of fact, in some of the speeches he delivered during the time of elections, he condemned very strongly this repressive policy of the Government in most unmistakable

terms and I have no doubt that, consistently with what he said and what he is going to say, he will realize what our feelings are in the matter and induce his party men also to help us in recording our opinion of the situation. There is no danger that the Government is going to accept our verdict. We have had enough of experience of this Government to judge if our verdict is going to have any influence. I am not exaggerating when I say that this Government has got a particular tendency and a particular cleverness of mismanaging and making a muddle. Mr. Montagu, again, the late Secretary of State for India, in his Indian Diary, which has come out only very recently, in writing of Madras has got this very significant sentence:—

'Here, if anywhere, the officials administer and do not govern; here, if anywhere, they refuse to explain themselves and hold themselves aloof; here, if anywhere, they misuse their powers of the Press Act or their powers to disallow resolutions.'

"What an apposite description of the existing state of affairs of this Government in their having declined to allow some days for the discussion of non-official business! Of course, they say that it has not been found possible to allot a non-official day. We know that it has not been found possible, but what was the reason for not giving a non-official day, nobody knows. Without a single exception I leave all the testimony given by the late Secretary of State for the Government's consumption. It is for you to say—I daresay that you will agree with Mr. Montagu—whether you are not acting according to the dictums laid down by him.

"One word about the nominated Members. I hope the traditional suspicion that nominated Members will always go in with the Government will be dispelled on this occasion. I know for instance that editors like Mr. Ganala Ramamurthi and Mr. Pinjala Subrahmanyam Chetti are nominated Members of this Council. They have written in Telugu in very strong language about the repressive policy pursued by the police. I do not know if they are now going to lay down the ethics of journalism by saying that what might be written by them as editors in the newspapers is different from their personal opinions. Probably they will be setting a good example by not voting with the Government, thereby illustrating that what was written in the newspapers is not different from their personal opinions. Therefore I do want hon. Members to record their real personal feeling in this matter.

"Sir, even nominated Members were not left alone. For instance, I do not know if my hon. Friend, Mr. Dorai Raja, will excuse me when I say that the police shadowed him also (laughter), probably to get nomination for him. Because one Chinna Dorai wrote some article in the *Spectator* suggesting that an Indian should be appointed Viceroy; that was enough to make the Government think that Peria Dorai Raja also was talking of sedition—because the Government probably thought Peria Dorai Raja was the brother of Chinna Dorai

as the word 'Dorai' occurs in both the words and that he was connected with the seditious movement!!! (Laughter). I wish my hon. Friend should contradict me if I am wrong. That has been the policy pursued by the police. I do not know, if perhaps one Muslim gentleman, whose name may be Syed Usman, were to write some seditious article or make some seditious speeches, whether my hon. Friend, Sir Mahomed Usman, would be mistaken for Syed Usman and found guilty for being seditious and also shadowed by the police (laughter), because there happens to be some identity in the two names.

"Sir, I beg that this motion should be pressed to a division. I hope I have not been intemperate in my language in condemning the action of the police (laughter). If I did, I did not do it consciously."

* Rao Bahadur Dr. C. NATESA MUDALIYAR:—"Mr. President, I have very great pleasure in seconding this resolution so ably moved by my hon. Friend from Madras. Sir, there is a strong feeling in the country that the police are using excessive force in dealing with unarmed non-violent civil resisters. No doubt, the law allows force to be used in cases of violent resisters, force meaning minimum force. Those that resist the law here are people who are non-violent and they freely submit themselves to whatever the authorities may ask them to do. If they are so ordered they march to the police station and if they are punished they undergo punishments willingly. I do not know why minimum force should not be used in these cases. Minimum force does not mean super-maximum force. Even in places under martial law the Indian Military Law says:

> 'His Majesty's Government have emphatically laid it down that the primary factor of policy whenever, unfortunately, a situation necessitates the suppression of civil disorder by military force within the British Empire is the use of minimum amount of force necessary to secure the object in view.'

"Sir, are we under His Majesty's Government? I believe in the British connexion. I believe in the British Government. I have been a constitutionalist for over 20 years. I believe in India being a self-respecting Member of the British Commonwealth. Sir, after such repressive measures even staunch loyalists are nodding. When repression of this sort is going on, one is tempted to think 'Is this the British Government under which we are living?' The most heart-rending thing is the way in which our women are treated. Sir, let it be understood that the most sacred portion of our Indian homes is our womanhood. No nation respects women as we do. We cannot bear any insult offered to our women. Moreover, Sir, when people are lathi-charged for offences, where is the personal liberty? Sir, here I beg to quote a few lines from Dicey on personal liberty:—

> 'The right to personal liberty as understood in England means in substance a person's right not to be subjected to imprisonment, arrest, or other physical coercion in any manner that does not admit of legal justification.'

"The sort of coercion followed in our country does not admit, according to Dicey, of legal justification. Lawlessness of this sort is not new to our country alone. There are free people of a free country.

Have we not known how English people have struggled to raise their country to her present position? England of to-day is built on such sacrifices of the ancestors of the present generation. Moreover Indians ought to be treated with much consideration. We Indians are not aboriginal tribes. We are an ancient nation whose civilization was carried into ancient Babylon and Egypt and to the courts of ancient Greece and Rome. Let all our European friends make it a common cause with us to put down this kind of repression. If a man resists, it is open to the police to carry him bodily, as our discreet and tactful Commissioner, Mr. Rowlandson did in Madras. I am at a loss to understand why the same policy has not been pursued in the districts also. Lawlessness is not new to my country alone. It exists in all civilized countries. To quote Dicey again:

'Within the last thirty years, however, there has grown up in England, and indeed in many other civilized countries, a new doctrine as to lawlessness. This novel phenomenon, which perplexes moralists and statesmen is that large classes of otherwise respectable persons now hold the belief and act on the conviction that it is not only allowable but even highly praiseworthy to break the law of the land if the law-breaker is pursuing some end which to him or to her seems to be just and desirable. This view is not confined to any one class. Many of the English clergy (a class of men well entitled to respect) have themselves shown no great hesitation in thwarting and breaking laws which they held to be opposed to the Church. Passive resisters do not scruple to resist taxes imposed for some object which they condemn. Conscientious objectors are doing a good deal to render ineffective the vaccination laws. The militant suffragettes glorify lawlessness; the nobleness of their aim justifies in their eyes the hopeless and perverse illegality the means by which they hope to obtain votes for women . . .'

'Democratic sentiment, further, if not democratic principle, demands that law should on the whole correspond with public opinion; but when a large body of citizens not only are opposed to some law but question the moral right of the State to impose or maintain a given law, our honest democrat feels deeply perplexed how to act . . .'

'The time has come when the fact ought to be generally admitted that the amount of government, that is of coercion, of individuals or classes by the State, which is necessary to the welfare or even to the existence of a civilized community, cannot permanently co-exist with the effective belief that deference to public opinion is in all cases the sole or the necessary basis of a democracy.'

"So, Sir, it is not a new thing to our country also. I do not belong to the creed of my hon. Friend, Mr. Sami Venkatachalam Chetti. He was a Swarajist and now a Nationalist. But I am a loyalist, a constitutionalist, a Justicite. Even I feel that the Government are doing what they ought not to do. Sir, every precaution should be taken before firing on a crowd. Sir, in that miserable case in Triplicane, when the late Mr. Govindaswami Mudaliyar, a promising advocate and a loyalist of loyalists, who attended as a scout on His Excellency on many an occasion, came to see his wife in Triplicane and was just getting down from the bus, he was shot to the effects of which he subsequently succumbed. What was his dying declaration? When his relatives approached me and asked whether they could not file a suit in a court of law for damages against the Government, I said 'Don't do that'.

"I said I am a loyalist; Government is a very good one. Approach the Government and they will give you relief immediately. They did so. What was the reply of the Government? A negative one. 4-45 p.m.

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Sir, at least in that case, should they not take compassion upon the members of the family when a promising man was shot dead, though accidentally? He has got almost a child-wife of about 20 years of age. Should not the Government give her some compensation? Here again, Sir, I wish to quote from *Dicey*:

'In England the idea of legal equality or of the universal subjection of all classes to one law administered by the ordinary courts has been pushed to its utmost limit. With us every official from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen. The reports abound with cases in which officials have been brought before the courts and made, in their personal capacity, liable to punishment or to the payment of damages for acts done in their official character but in excess of their lawful authority.'

"That child-wife may go to a court of law. Of course, we are glad we have a very good High Court in this Presidency. There justice is done; I hope that at least through the High Court, she will get relief. Moreover, if the police take the law into their own hands, what is the use of the magistracy? In this Council I agitated for the separation of police from judicial portfolio. I pleaded that a prosecutor should not be a punisher. I am glad that these portfolios are now held by two different Indian Members in the Cabinet. I thought they would be counteracting forces. I never expected that one would be submerged in the other. In the Cabinet there are five Indian Members and two seasoned Civilians. These are the remnants of the old sympathetic Civilians, Cardews and Moirs, who were very well acquainted with Indian conditions and aspirations. These are the two remnants of those noble bands of Europeans. We want that these hon. Members should join the five Indian Members of the Cabinet and see that repression is not resorted to as far as our moderate Madras Presidency is concerned."

* The hon. the PRESIDENT:—"The question before the House is that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the use of force by the police in recent cases in dealing with the Civil Disobedience movement."

Pandit GANALA RAMAMURTI, in opposing the motion, spoke in Telugu. The following is the translation of the same:—

"Mr. President, Sir, please permit me to say a few words in opposing this motion. I am fully aware of the fact that I may lose popularity if I oppose the motion. I am not a man disposed to obtain easy popularity by emotional and irresponsible speeches. It has been the sad aspect of my life from its beginning. My hon. Friend, Mr. Sami Venkatachalam Chetti, mentioned nominated Members in general and my name in particular. Sir, may I tell my esteemed friend, the Member for this metropolitan city, that I ceased my connexion with the journal *Samadarsini* about a year ago? My friend and colleague Rao Sahib Pinjala Subrahmanyam Chetti, is only the proprietor but not the leader writer of the journal. Nominated Members also are as much patriots as my learned friend Mr. Sami Venkatachalam Chetti. Sir, they are not johukumwallahs. They also are demanding swaraj

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under the British flag. But their methods are different from those of non-co-operators. Nominated Members cannot and will not adopt unconstitutional and impracticable methods to win swaraj. By this, they may not get the false praise of newspapers or the shouts from galleries. Nominated Members cannot act against the dictates of their conscience.

"Mr. Venkatachalam Chetti spoke at length about the hon. the Home Member and the hon. the Law Member. If the mover of this adjournment motion is also appointed as a Member to the Treasury Bench, his speech, I am sure, would be different. Under the able administration of His Excelllency the Governor the hon. the Home Member and the hon. the Law Member, this Presidency is peacefully marching towards progress. I am glad to say that the administration of the hon. Sir Mahomed Usman Sahib Bahadur as Home Member is praiseworthy when compared with the administration of Home Members in other provinces. May I tell my hon. Friend, the mover of the motion, that, by the impartial and sympathetic policy of the hon. the Home Member, the so-called Hindu-Moslem problem has disappeared from this province entirely.

"Mr. President, satyagrahis are courting prison life with the idea of attaining popularity. To attain this they are holding public demonstrations. It is but natural that police should disperse such mob meetings for the maintenance of law and order. My friend Mr. Venkatachalam Chetti says that the creed of satyagrahis is non-violence. Permit me to tell you, Sir, my experience regarding this. M.R.Ry. Diwan Bahadur Duriseti Seshagiri Rao Pantulu Garu started a new political organization called the People's party to counteract the civil disobedience movement in East Godavari district. In an open meeting at Peddapur under the auspices of the Congress Mr. Gadepalli Suryanarayana Sarma and other satyagrahis abused the organizers of the People's party and the Justice party as a whole in vulgar terms. The popular Collector of the district, Mr. J. B. Brown, I.C.S., and the Deputy Collector of the locality, Mr. Varada Venkataramayya Nayudu were threatened and asked to resign their offices and wear glass bangles for their association with the bureaucratic administration. Sir, is it not violence? Is it not the bounden duty of the Government to protect also its loyal and law-abiding people?

"I respect Mahatma Gandhi's pure and simple individuality. His philosophical ideals are praiseworthy. I also respect the patriotism of the political prisoners. But let me submit to you, Sir, that Mahatma Gandhi's plan for swaraj is only utopian but can never be put into practice. I also worked with him for the political uplift of the country as long as his programme was confined to the boycott of Councils, courts, colleges and titles. When he introduced non-payment of taxes in his programme in January 1922, I washed my hands of that agitation as the promised period of one year for getting swaraj lapsed. No country in the world has obtained its independence through non-co-operation and civil disobedience. It is true America established complete independence by open rebellion with arms but this method would not

suit Indian conditions. As Australia did, constitutional agitation alone should be adopted by Indians for their attainment of colonial freedom. I expressed this not only in my editorial articles of *Godavari Patrika* of 1919 but also in my editorial articles of *Nyaya Deepika* of 1922 and 1923 and I respectfully ask my friend Mr. Sami to once again refer to them.

"Boycott of Councils is one of the items of Mahatma Gandhi's programme. Srimati Sarojini Nayudu abused the Councils thoroughly. Pandit Malaviyaji denounced that those who paid his fine were not his friends but his foes. In view of the above facts I do not see the consistency of the arguments advanced by my learned Friend, Mr. Venkatachalam Chetti in this Council. Mahatma Gandhi's programme even in South Africa was not fulfilled. Without considering the *pros* and *cons* of the method, the youth of the country are embracing it and involving themselves in troubles like sheep attacking the mountain. We all know how British tactics crushed the mighty German force."

Mr. C. SATYANARAYANA CHOUDARI:—"On a point of order, Sir, I believe that we are now confining ourselves to the point whether the force used by the Police in the past was justified or not. May I ask whether the scope of the proposition is such as to admit of a discussion about the benefits of the British rule?"

Mr. V. T. ARASU:—"Sir, according to the Standing Order I understand that an hon. Member can speak only for 15 minutes. I think the hon. Member has spoken for more than 15 minutes."

The hon. the PRESIDENT:—"The hon. Member has taken only 7 minutes."

Pandit Ganala Ramamurti continued his speech in Telugu:—

"Will such methods as those adopted by the non-co-operators shake the British Empire? If Gandhiji started his campaign after the termination of the Round Table Conference, there would be some meaning. The country will not be benefited by vain sacrifice.

"The present struggle has increased the post-war troubles. It is causing immense harm to backward and neglected communities. Business is collapsing entirely. Export of our raw materials was stopped and thus a stoppage has come for the free flow of money. Majority communities and educated classes are trying to elevate their own position by severing their connexion with Britain. It is not the intention of the caste Hindus to uplift the status of the depressed classes. I am speaking from my experience. Even though I worked hard for the promotion of the Congress ideas in 1919, 1920 and 1921 I was not taken into the confidence of the privileged classes and offered even at least a seat in any firka Congress Committee. For the pride of false prestige only the nation is yet following the so-called non-co-operation movement. I wish that the day may soon come to realize the evils of this movement. I am expressing these sentiments not as a member of the Viswakarma community but on my personal behalf. I know that His Holiness Tatvananda Swamulavaru, Mr. Cherukury Kalahastiswara

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Sarma and several others of my community have courted Sri Krishna Janmasthanam (prison). I warn the members of my community not to join Gandhi movement as the country is not ripe for complete independence. Communal jealousy is yet in existence. A member of my community was not allowed to perform *sandhya vandanam* at Amaravati which is on the banks of the river Kistna. In some villages of Guntur district our people are not allowed to go in procession in palanquins on marriage and other ceremonial occasions even in this 20th century. This is the treatment which is being accorded to a community which built temples and other monuments and moulded the civilization of the nation. Without setting right all these drawbacks, Mahatmaji wants immediate complete independence. In this connection I am reminded of a line from *Bhagavata*

"· · · · · ·కాననివాని నూతగొని కాననివాడు విశిష్ట వస్తువుల్ కానని భంగి · · · · ·"

"Poet Bhartruhari observed that learned men are indifferent to bring the people into the right method. Aristocracy do not take proper interest in such affairs. Ordinary people are not competent to tackle such problems. Thus, virtuous propaganda is gradually disappearing from this eternal world. These golden lines are just applicable to the non-co-operation movement. May I appeal to the Government also in this connexion that, just as in Bombay, if Madras Government also start a counter propaganda to do away with the mischief-making of civil disobedience, then police interference is not at all necessary to tackle the situation? With these words, I beg to resume my seat."

* Rai Sahib C. KOLANDA REDDI:—"Mr. President, Sir, I come from a district, viz., Kistna, which tasted the sweets of lathi charges from the police to the very dregs. Yet I have a grievance against my hon. Friend, Mr. Sami Venkatachalam Chetti, because he did not mention the name of Kistna in the list he has furnished. Sir, the accounts of lathi charges I have received are so numerous and so insistent that the music of lathi play is still ringing in my ears.

"There is a saying that there is no cupboard without a skeleton. 5 p.m. Similarly, I may say that there is no place which has participated in the civil disobedience movement but has tasted the music of lathi charges. Now, what is a lathi? Perhaps many of my hon. Friends here may not know it. They may simply mistake it for a mere stick; but it is not that. It is what you call a 'male stout bamboo' about a cubit long, shod at the end with iron or brass. And what do you think that the lathi charge is like? It is indiscriminate belabouring of both men and women and even children, or whomsoever that comes across. (Mr. Abdul Hameed Khan: Shame.) That is 'lathi charge,' Sir, and I wonder how sections 127 and 129 of the Criminal Procedure Code can cover a play like that. Fancy, Sir, that this indiscriminate belabouring is administered—to whom?—to persons either men or women, who do not retort, who do not retaliate, but who submit meekly and who are ready to go anywhere and who are ready to do whatever

you want them to do. I ask you, Sir, whether beating so mercilessly people like that does not savour of the savage or the brutal, or of the barbarous.

"Sir, yesterday His Excellency the Governor was pleased to observe that this civil disobedience movement—or call it what you will—will be suppressed by all the means at the command of the Government. All that I pray is: do it by all the means that the law permits. There is provision, there is remedy within the four corners of the Law; but for God's sake, and for the fair name of the Government, may I implore with all the ardour at my command, not to indulge in the lathi charge? This lathi charge, Sir, this repression by lathi play is an ill-wind which blows nobody any good. In fact, it creates resentment and sends the iron down to the bottom of the heart and keeps it rankling there. I put it to you that we ought to live—all of us, of all races and nationalities—like brothers and sons of the same God, bound by silken ties of love. But I wonder how when an atmosphere such as this is being created, it is possible for us to live like that.

"It is often trotted out as a plea that only minimum force is used. God alone knows what 'minimum' means. 'Minimum' and 'maximum' are relative terms, and what one calls 'minimum' the other may call 'maximum'. But there are cases which I am aware of, where the question of maximum or minimum does not arise at all. With your permission, Sir, I may quote one or two instances. There is a park in a town. Naturally in the evening hours, people resort to it in order to enjoy the cool breeze emanating from flowers and foliage. These people just idly inclining upon the velvety grass go on chatting aimlessly. All of a sudden, a posse of policemen equipped with lathis approach that park. The officers are stationed at the gate in order to prevent egress of the people, and these lathi-equipped policemen enter the park and belabour the people mercilessly for hours together. There is no way of escape for them except by scaling the spiked fencing of the park, and in their attempt to do so, some are impaled and others injured in various parts of the body. That is one instance. Another instance is: there is a village which is noted for its culture and refinement. One fine morning, it wakes up to find that it is surrounded by a posse of lathi-men. These people go on beating men, women or children, whatever and whoever comes in the way, mercilessly. Those who escape or take to their heels are not left alone; on the other hand, they are given chase to and the victims are beaten again and again. Thirdly, Sir, a poor member of the Bar, a legal practitioner, had to go to an outstation on professional business. A policeman just saw him and at once began to abuse and assault him and strip him almost naked for the mere sin of being clad in kadi. I have now cited these three cases, Sir, and you can yourself see whether the question of minimum or maximum force arises at all. These lathi charges are no less than wanton assaults on the people, with a view to create terror in their minds. You may call this a reign of terror. It is some consolation to find a silver lining to the sable cloud. So far as my district is concerned, it has a

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Collector who is a sympathetic and kindly soul. On account of him, many an ugly situation has been saved and people have been lucky to escape a worse fate; but unfortunately he cannot be expected to be present in all the places where the police people operate. Hence such tragedies now and again. With these words, Sir, I support the motion of Mr. Sami Venkatachalam Chettiyar."

* Mr. K. P. RAMAN MENON:—" Sir, speaking from this side of the House, I have great pleasure in supporting Mr. Sami Venkatachalam Chettiyar in the remarks that he has made on the floor of this House. With reference to my own district, I can say that we have escaped some mischief, learning, as I do, the history of the other districts from the speakers that preceded me. The satyagraha movement in Malabar took two forms, one with reference to the manufacture of salt and the other with reference to the picketing of arrack shops. As regards the manufacture of salt, on three days when work was started by the satyagrahis, the police, for no reason whatsoever, did charge the crowd mostly consisting of innocent spectators, so much so that the District Magistrate had to intervene later and to withdraw the police altogether. He after all thought that the absence of the policemen would naturally lead to a weakening of the movement—and he was quite right. There was manufacture of salt on the Calicut beach for about four or five days at the outset. After the first three days when there were lathi charges and crowds dispersed as stated above, the police were withdrawn altogether, and in another three or four more days, the movement fizzled out. That shows the wisdom and courage of the District Magistrate who ordered the withdrawal of the police altogether. The next centre where there was trouble on account of manufacture of salt was Payyanur. Payyanur is at some distance from my place and I believe my Friend opposite hailing from North Malabar may be able to give you further information with reference to what transpired there. For a long time, there was absolutely no trouble whatsoever with reference to the salt satyagraha in Calicut. Nobody manufactured contraband salt and there were no arrests. But a few days before His Excellency's visit to Malabar, it was quite patent that several individuals—I do not know who they were nor can I think of the particular individuals who were responsible for it—wanted to create an atmosphere of distrust and wanted to see that there was trouble when His Excellency visited the place. In the meantime, the persons who were responsible for the satyagraha movement had made it a point never to assemble in numbers more than four. They always took care, as only five people would constitute an unlawful assembly, to send volunteers to the beach to manufacture salt or to picket, or do other unlawful acts, only in batches of four. In one instance very near His Excellency's visit to Calicut, when four satyagraha volunteers went to the Calicut beach, they were set upon by the police—not by the inferior police but by the District Superintendent of Police himself. This is what happened on that occasion, and it should have been taken notice of by the Government. One of those volunteers fell down as the result of a blow on his head by a lathi, and he was kicked by the District Superintendent of

Police. The matter took a serious turn and it was thought the volunteer was dead; he was removed in a car to the hospital and attended to there. Fortunately, he recovered. That was a flagrant case where, even when people were less than the number which would constitute an unlawful assembly and before they committed any offence, they were set upon by the police and assaulted. Probably they were going to commit an offence, but as a matter of fact, they were charged upon even when they had not committed the offence. On account of this incident it was thought by many people in Calicut that the police wanted to foster the idea that there might be trouble in Calicut and that therefore more force would have been used when His Excellency visited Calicut. Notwithstanding this, the District Magistrate kept his head cool.

" Then, Sir, there was a procession on Gandhi's birthday and it was sought to make out that as there would be an unlawful assembly, and that the procession should be stopped—for no reason. The District Magistrate was good enough to issue distinct orders that unless personally the Divisional Magistrate was convinced that the unruly elements in the crowd got the upper hand, there should be no attempt to disperse the procession as an unlawful assembly. And the Malabar Special Police, who had been summoned to Calicut from the interior places and the Reserve Police who had been called to Calicut had to go away disappointed, as there was absolutely no hitch and no untoward event happened at all with reference to that procession. The procession started from the Congress office near the new Market and from there went round the town and came back with absolutely no untoward incident. This was clearly due to the foresight of the District Magistrate who had already then distinctly laid down that unless the Divisional Magistrate thought that the unruly elements in the procession had the upper hand, nothing should be done; and, notwithstanding the presuasions of Police officers who were there, the Divisional Magistrate was strong enough to resist them and to say ' I have not yet seen anything unruly in the procession '.

" Again, Sir, I really cannot understand the fun of issuing orders just to create offences. That seems to be the rule nowadays. An order is issued on certain persons saying ' Don't assemble '—for what reason, God alone knows. Suppose they are going to hold a meeting to-morrow with reference to any particular subject, to-day a notice is issued on the persons who are to hold that meeting, saying ' Don't hold the meeting at all '.

5-15 p.m. " Sir, after the order is passed, when a meeting is held, it is certainly an unlawful meeting and law must be respected. I have great respect for law. I have been long in the profession of law and certainly I shall be the last person to say that the law should not be obeyed, but the authorities should not create offences. There was an instance in Calicut recently in which an offence was created. It may or it may not be true that ladies in Bombay were roughly handled by the Police. Whether the statement about it, which was contained in all the newspapers, is correct or not, at any rate, there is a feeling among certain

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people that those ladies were roughly handled. For this purpose, to record a protest against it, a meeting was proposed to be held by some ladies in Calicut to culminate in a procession later and a notice was circulated for that purpose. And straightaway an order was issued upon certain ladies asking them to desist from holding the proposed meeting. What is the intention of this notice? The authorities know very well that the meeting would be held. And, after all, who are these ladies who proposed to hold the meeting? One of them is a graduate of the Queen Mary's College, the daughter of the late Municipal Chairman of Calicut; another lady hailed from the Cochin State and another is a daughter of the late Rao Bahadur Kumaran Nayar, Sub-Judge, who served the Government loyally. Now, an order was served upon them not to hold the meeting. Next morning, the Magistrate, a level-headed man as he is, even on the morning of the day of the meeting asked the ladies not to hold the meeting. They said ' No. ! we want to hold the meeting '. They said as a matter of fact the ladies of Bombay were handled roughly. Then the Magistrate said ' you are under arrest '. For this the ladies replied ' we are prepared to be arrested '. They were then escorted by the police and taken in a motor-car. Why, Sir, should such a position be created and why should such a senseless order be issued to these ladies? Is the British Government going to be subverted by half a dozen ladies of Calicut? I certainly think that is an insult to the Government to say that such a meeting would shake the foundations of the British Empire.

" Instances like these are not wanting. One thing is certain, that all these offences are created for the mere fun of locking up people in jails. Is it not farcical, I ask, to create offences like that? For the matter of that, I have myself noticed such things with reference to picketing of arrack shops. Picketing was going on near the Kallai bridge. On the head of the bridge, on the Calicut side, two or three policemen would be sitting and on the other side of the bridge two or three volunteers would be going and then they will just call these policemen and say ' well, Sir, why don't you arrest us '. The policemen will merely touch them and say ' you are under arrest ' and then they take the volunteers away. Is the law not being reduced to an utter farce? If, as a matter of fact, you want to arrest people and to vindicate the majesty of the law, at least keep up appearances, but don't reduce it to this low level.

" Now, coming to lathi charges, I may say that Calicut also had experience of this in the early stages, but there has not been a recrudescence of the lathi charges since then. But, I may correct my hon. Friend from Bezwada about the description which he gave about the lathis. It is not a mere bamboo rod about a cubit or so long, but it has got two brass rings at both ends and a blow with a lathi if the ring in the lathi touches your head or any portion of the body, creates serious injury to the person that gets the blow. The lathi is certainly a very dangerous weapon. Of course, it is the good sense of the policemen and the ordinary constables that these lathis are not being more

freely used with more serious consequences at any rate in Calicut town.

"Then, Sir, I may join my hon. Friend, Mr. Sami Venkatachalam Chetti, in appealing to my European friends opposite and asking them, would an Englishman suffer like this at the hands of any other man, constable or no constable? An Englishman certainly can appreciate what people believe and feel. I have read enough of English history to know that Englishman will never allow himself to be buffetted, assaulted and kicked by anyone. They have sufficient self-respect to return blow for blow without looking to the consequences. So, I would ask my English friends in the Council to put themselves in the position of Indians and see whether they would allow themselves to be treated like this by policemen who have no regard for persons. This, Sir, is the position of affairs in which we are now. I may at the same time add, what is the use of all this kind of discussion here. The whole system of administration of India is going to be overhauled. There is the Round Table Conference that is sitting in London and it certainly will bring out something which will be tangible for us. There is also the message of His Majesty which is ringing in our ears. There is also the effect of the speeches delivered by our own representatives over there and the very sympathetic audience they have had there. It may be, as a matter of fact, for a few days or a few months we have to put up with this. I would, therefore, strongly suggest that there is no use raking up these old embers, if the Government would take care to see that there is no recrudescence of these evils and put a stop to the methods of the police in dealing with the movement.

"With these words, I would ask my hon. Friend Mr. Sami Venkatachalam Chetti not to press this motion to a division, not because that I am in any way insensible to the indignity that the people suffered at the hands of the police, but because of the outlook that we have just now before us. I therefore hope that my hon. Friend will not press the motion."

* Mr. H. F. P. HEARSON:—"Mr. President, Sir, it is with considerable reluctance that I rise to intervene in this debate, because, Sir, as I can assure you and all hon. Members of this House, nothing is further from the wishes of my friends and myself than to do or say anything that can possibly foster or increase any feelings of racial ill-will or antagonism, feelings that are so manifestly displayed in some parts of India and have shown themselves even in Madras.

"I can assure you, Sir, and the world, that my friends and I yield to no one in our feelings of sympathy with those innocent persons who have been hurt or injured on the occasions when others instigated proceedings which, as a deliberate challenge to the Government, necessitated the intervention of the police and the inevitable violence that resulted, violence I can assure the House as distasteful to the police as to the most tender-hearted member of this House. Were this motion, Sir, merely what it would pretend to be, an honest and sincere attempt to express sympathy with the innocent victims of others' challenge of the

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law and a desire to insure that, should similar occasions ever arise in this Presidency, which God forbid, the police should exercise only that minimum amount of force that is compatible with the exercise of the paramount duty of maintaining law and order, I do not think that any one would quarrel with the motion.

" But, Sir, however sincere or innocent the motives may have been that have actuated Mr. Sami Venkatachalam Chetti to move this motion and his friends to support it, it is manifest that the result goes much further, stirring up, as it does, resentment against, and hatred of, the police and so rendering even more difficult the execution of their difficult duty. Sir, in this critical phase of India's history it is, I feel, the duty of every man, particularly of those who have been called to this hon. House and have thereby become in a measure the leaders of the people, to nail their colours to the mast, and that my friends and I are not ashamed to do.

" Such a debate as this, Sir, has raised the question who is for civil disobedience and who is for orderly Government ? (Mr. Abdul Hameed Khan :—No, no.)

" I cannot believe, Sir, that there is a single Member of this hon. House who in his heart of hearts believes that civil disobedience is the road that leads to India's good. Now when the happiness and the fair name of India is at stake, let all honest men confess their faith.

" As I have said, Mr. President, Sir, it is far from my desire to arouse or increase ill-will and I hope that nothing which I may have said will be so misinterpreted, but, Sir, one thing I feel I must say, even at the risk of offending the hon. Mover of this resolution and his friends who have supported it, and that is those who, however innocent and sincere their motives may have been, rake up the dead embers of hatred and ill-feeling that were kindled last April and fan those embers into flame, are doing a great dis-service to their country. I, therefore, oppose this motion."

* Mr. C. SATYANARAYANA CHOUDARI :—" Mr. President, Sir, I had to rise to catch your eye more than once and I am glad that I have succeeded after all. The district which I have the honour to represent, namely Guntur, has played such a conspicuous and such an important part at every phase of the national struggle that I feel that any debate on this question of the political situation of the country and on the methods adopted by the Government in dealing with the situation would be incomplete without my taking part in it. Guntur, as you know, is a place of extremes. It is a very hot place, it is a place where the temperature at times goes up to 118 degrees. It is a place which is very much dreaded by people accustomed to Ooty life. It is a place where not only the climate is hot, but men also are hot. It is also a place which produces things which are hot. The chief produce of the district is chillies and these chillies are so hot that even ' ginger ' tastes insipid."

Mr. B. POCKER SAHIB :—" Sir, are these matters relating to chillies relevant to the question at issue? "

* The hon. the PRESIDENT :—" Order, order, the hon. Member must know that the production of chillies has no connexion with the motion under discussion."

* Mr. C. SATYANARAYANA CHOUDARI :—" Sir, I am asked now to speak about the picture of police excesses, but a description of the picture without attempting to describe the background would be incomplete. (Laughter.) I am going to describe to the House about the police excesses that were committed in my district and as a background to what I am going to refer, I had to make this reference to the nature of the district.

5-30 p.m. " I shall now deal with the subject before the House. Therefore, Sir, it is on account of this heat that you find that in every scheme and every policy including the policy of the lathi charges adopted by the Government, Guntur has always come in for its share. And that is the reason why I feel justified to take part in this debate. (Hear, hear.)

" Sir, many things have happened between now and the last sitting of the last Council; and during this period of six or seven months during which the Council was not in existence the Executive have made themselves responsible for an administration and for a policy which has caused widespread alarm and discontent all over the country. Very serious allegations are made both on the floor of this House as well as outside about official excesses, and about indiscriminate attacks by the police upon innocent crowds. Allegations are made of deliberate attacks by the police upon the peaceful citizens of Madras when they were engaged in a beach meeting presided over by Mr. Sami Venkatachalam Chetti. Sir, it is alleged that the police deliberately provoked trouble. It is alleged that the police purposely put out the lights and went about beating the innocent crowd. It is alleged that the police opened fire, when the exigencies of the situation least required it. It is alleged, Sir, that a member of the Madras Bar lost his life on account of the reckless shooting of the police. And it was stated in the press at that time that panic prevailed in the whole city of Madras. The result was that responsible bodies—bodies which could not be summarily ruled out as ' professional agitators ', entered their emphatic protest against what was going on in Madras. The Madras Bar Association and no less a body than the Madras Corporation drew the attention of the Government to what was going on in the country, and we are yet to know what action the Government took on these representations.

" Coming to the mufassal districts, to which we, the Members over here, have the honour to belong, we too have not fared any the better. Allegations are made from time to time that the police are entering villages and that they are spreading terror and panic among the people. It is alleged, Sir, in a village in Kistna district, called Angalur, the police all on a sudden entered the village and without even a warning went about beating men, women and children indiscriminately. Sir,

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Angalur is a village with hoary literary traditions to its credit. It is in this village that the famous Telugu poet, the kaviraj of Telugu poetry, was born. It is a seat of learning and culture. It is a place where men and women are said to live in a literary atmosphere and therefore of high and noble ideas. It is a place where men and women are said to be capable of composing poems and singing ballads as easily as one writes his daily letters. It is in such a place, Sir, that the police committed unpardonable outrages. Naturally one would expect great sensation to prevail in those parts. And the result was a special committee was appointed; it had its sittings, made inquiries and finally it submitted its report to the Collector of the district and to the Governor. Again, Sir, may I know how the Government disposed of this matter?

"Now, Sir, there is the allegation that a pleader of the Bezwada Bar was assaulted by a police constable for the simple reason that he was wearing khaddar. We are told that his khaddar head dress was violently removed from his head, his khaddar coat was taken away and even the dhoti he was having round his waist was taken possession of by the police constable, and thus the pleader was stripped naked. Not only this, Sir, the alleged sequel to this incident is most disquieting, and we earnestly hope that it is not true. It is said, Sir, that the matter was taken to the notice of the District Collector; and the constable was given a reward of ten rupees. (Laughter.)

"Coming now to my own district, Guntur, here too we have not fared any the better. People clad in khaddar were chased by the police like mad dogs along the streets, and I need not say that the whole district was in a state of panic. We arranged a deputation to wait on the Collector, and I happened to be one of the deputationists. We interviewed the Collector, Mr. Stewart; Mr. Stewart is a courteous and kind man; after listening to our complaints he seems to have issued orders to the police forbidding the chasing of people. So from that day onwards the chasing of khadi dressed men was stopped, though the police were carrying on the other aspects of their activities.

"It was only the other day, Sir, that we heard that in the village called Khijipalem near Repalle the police went about the streets beating the people, men, women and children. Again a pleader of the Repalle Bar dressed in khadi, while on his way to Court, was abused and assaulted by the police in a manner for which there is absolutely no justification.

"Sir, these are very serious allegations, and a Government which claims to be a civilized one cannot afford to shut its eyes and ears to these charges of wanton misconduct on the part of its subordinates. Some time ago these allegations were brought to the notice of the Government of India by the Members of the Legislative Assembly, and replying on behalf of the Government, the hon. Mr. Haig and the hon. Mr. Rainy said that it was a matter which was within the peculiar competence of the Local Governments and that if it was referred to the Local Governments necessary action would be taken in the matter.

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From that answer one would have expected this Government to place before this Council an accurate, a full and through account of the situation and the methods adopted by them in that connexion. But what is it that we see here? Not only they had not done so; they have gone a step further and shut their doors against the faces of the hon. Members of this House when they sought to raise the issue on the floor of this House so that the Government may have an opportunity to vindicate itself against these charges and to convince us that we are still living under civil laws and that civil administration is still functioning and that the Government have not abdicated their authority to the Police or the Military. (Hear, hear.)"

(Opposition voices:—' Sit down, that will do; close soon.')

* Mr. C. SATYANARAYANA CHOUDARI:—" Is my time over?"

* The hon. the PRESIDENT:—" You have five minutes more."

* Mr. C. SATYANARAYANA CHOUDARI:—"Mr. President, Sir, this is the first time I enter this Council and this is the first time I speak, and therefore, I hope the hon. Members will not disturb my thoughts in this way. (Laughter.)"

Mr. ABDUL HAMEED KHAN:—" But this will not be your last speech. (Laughter.)"

* The hon. the President:—"Order, order, the hon. Member will continue his speech."

* Mr. C. SATYANARAYANA CHOUDARI:—"Now, Sir, I must say that by denying us this opportunity to raise this motion on the floor of this House and thereby denying themselves an opportunity to answer these charges in an open and straightforward manner, the Government have lost a golden opportunity of dispelling the discontent that has been caused by the alleged outrages in the several parts of this Presidency. This attitude of the Government in fighting shy of an open debate to clear themselves of the charges that have been levelled against them is likely to confirm the belief that after all the methods followed by the Government in dealing with the situation, or rather the weapons that the Government resorted to put down the political agitation are not clean."

Mr. F. E. JAMES:—" On a point of order, Sir. As I understand it, the question of allotment of days for the discussion of non-official business in the Council entirely rests with the discretion of His Excellency the Governor. Therefore I should like to know whether the hon. Member is in order in referring to that point."

* The hon. the PRESIDENT:—"Will the hon. Member repeat what he was saying?"

(Mr. C. Satyanarayana Choudari did not rise again.)

Mr. ABDUL HAMEED KHAN:—" The hon. Member has finished his speech. Mr. President, I beg to move that the question be now put."

* The hon. the PRESIDENT:—"The hon. the Home Member."

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* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Mr. President, Sir, my hon. Friend, Mr. Sami Venkatachalam Chetti, has lost his usual temper when he spoke to-day in this House. Sir, I have often warmly complimented him for the very Parliamentary manner in which he often conducted himself in debates in this House. That was perhaps due to the fact that he was Leader of the Opposition in those days; and now that his position has changed, perhaps he thought it right to indulge in personal criticisms and personal attacks.

"As we all know, Sir, representations were made by various responsible bodies to the Government that a public inquiry should be made. But the Government, after going through the representations, thought that there was no necessity for appointing any committee of inquiry into the action of the Police that took place in Madras in April last in connexion with the civil disobedience movement.

"Sir, my Friend also said that the Indian Executive Members have always shown the greatest disregard to the Legislative Council. There is no use of making a general statement unless it is corroborated by facts. General statements, however much they may be repeated in this House, cannot become facts.

"My hon. Friend also said that the police have brought on themselves nothing but indignity on account of the action that took place in Madras. I think, I ought to say here that Government take an entirely different view of it. As I will show later on, in every part of the Presidency the action of the police could be easily justified by the fact that they were forced to do so by the attitude assumed by the processions, assemblies and crowds. My hon. Friend said that the use of force had been the rule of the day. Sir, my information has been that police action was resorted to only to avert riots and disorders only in certain places in Madras. In fact the police managed the situation so splendidly that people living in one part of the City did not know what was taking place in the other. Of course reckless statements have been made that the police went about beating every man they met in the street. May I ask if my hon. Friend was beaten by the police?

"Then he said that the Government have no humane feelings and that humanity required that the Government should take the police to task. But I may remind my hon. Friend that he knew very well that on the evening of the 22nd as a result of the meeting presided over by Mr. Prakasam, the previous day, stones were thrown at the Europeans, and they were molested. Did my hon. Friend raise his voice of protest? Does humanity consist in allowing European citizens to be molested by Indians?" 5-45 p.m.

Mr. SAMI VENKATACHALAM CHETTI:—"Don't create racial hatred."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I am dealing with the question absolutely impartially. I here stand for justice, but not for creating any kind of racial hatred. It does not matter to me whether a person is a European or Indian, but I deal with facts as they are. (Hear, hear.)

—"Sir, my hon. Friend has said that on the 25th April the people who were engaged in the satyagraha procession were beaten by the police and they were left there by the police without being taken care of. Sir, as you all know, before the events that occurred on the 25th April, there was a general feeling of insecurity whenever meetings were held on the beach. On the 22nd, stones were thrown at the police and they had to use lathis in order to disperse the crowd. And again on the same evening, as I have said, stones were thrown at military officers and at many of the European citizens who were passing through the beach road. When this was the state of affairs, the Commissioner of Police thought that, if he allowed this satyagraha procession of one hundred persons which very easily multiplied itself into three hundred on the 25th April there would be breaches of the peace in the city. Therefore, he ordered the people to disperse. Everybody dispersed except the satyagraha volunteers. Then, what have the police to do? Are they to allow them to go their own way and bring about the breach of the peace in the city or to stop the whole thing? The only course they had to adopt was to use force in order to disperse the satyagrahis. I think the Commissioner of Police was thoroughly justified in doing it, because when they were ordered to disperse in the interests of public peace, they refused to do so, and there was no other alternative for the police but to use force. And I was told, Sir, that after force was used, the police offered to take those injured persons in their cars to the hospital, but that offer was refused. So, there is no justification for my hon. Friend, Mr. Sami Venkatachalam Chetti, to say that they were all left on the road and were not taken care of by the police.

"Now, I come to the all-parties meeting. My hon. Friend has said that we Indian Executive Councillors, referring to Sir Krishnan Nayar and myself, in order to please our European Colleagues have to do a number of wrong things. But I may remind my hon. Friend that we have conscience. And what we have done is what we thought to be the right thing. It is open to me to impute motives to my hon. Friend, Mr. Sami Venkatachalam Chetti, for having brought about the all-parties meeting. The House knows that he was at first in the last Council the leader of the Swarajya Party, the leader of 43 people. But at the end of the term of the last Council he found that he was nowhere in the party."

Rao Sahib C. KOLANDA REDDI:—"I rise to a point of order, Sir. Is it relevant to the issue before the House?"

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"The hon. Mover has made personal attacks against me in his speech, and I am replying to them."

* The hon. the PRESIDENT:—"Order, order. I hope the hon. Member did not mean to make personal attacks."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"What I said was that personal attacks were made and I have also to say in reply what I feel in the matter. My hon. Friend having lost his political position wanted to make his fallen political fortunes."

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Mr. BASHEER AHMED SAYEED:—"On a point of order, Sir. The Standing Order says that no personal attack shall be allowed. Even if an hon. Member of this House has made personal attacks and they have been ignored by the President, that is no ground for another hon. Member to indulge in such personal attacks."

* The hon. the PRESIDENT:—"The hon. Member perhaps has not heard what the hon. the Leader of the House has said. He only said that he was replying to the attacks that had been made by the hon. Mover."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Sir, anyhow, I say this, that my hon. Friend was responsible for bringing about that all-parties meeting on the 27th April. My hon. Friend ought to know, as a non-official of great experience, that at the time when there was a feeling of insecurity in this city, he had no business to bring about the all-parties meeting which necessitated police action. When the all-parties meeting assembled at the beach, the Choolai Mill strikers also joined it and the crowd was about ten thousand and soon it began to attack the police by throwing stones. The Government are thoroughly satisfied that stones were thrown at the police by the people who assembled at the beach, and the police thought that there was no other alternative for them to disperse the crowd but by using force.

"My hon. Friend has said that Mr. Govindaswami Mudaliyar was killed. The Government are very sorry that such a thing has happened, but we must all realize that in movements of this sort it is only the innocent that suffer. My hon. Friend, Mr. Sami Venkatachalam Chetti, easily brings about this meeting and innocent men like Mr. Govindaswami Mudaliyar and the fishermen are killed. Therefore, Sir, it is very necessary that responsible non-officials should see to it that when there is insecurity in a place, no meetings are called for to defy the authority of the police.

"My hon. Friend has also said that the Government have abdicated all their functions and handed over their responsibility to the Inspector-General of Police. In answer to a question this morning, I said that confidential instructions were issued by Government and as a result of those instructions the Inspector-General issued his own instructions. So, the Government did not abdicate their functions at all. I am glad, Sir, he also said that lawless movements must be suppressed. I think Government can take credit for having suppressed this lawless movement. All that he said was that we should adopt civilized methods. What those civilized methods were he did not say. But I say this that the measures used by the police in suppressing this movement have been absolutely civilized.

"Before I deal with the remarks made by other hon. Members I should like to make a few general observations. Sir, we all know that this civil disobedience movement is a destructive movement, a movement that would have brought chaos and anarchy to our country if it had succeeded. Government could not remain inactive but have to take steps to put it down."

Mr. G. SIMHACHALAM:—"Is it the wish of the House to talk it over, Sir?"

*The hon. the PRESIDENT:—"That is no point of order."

Mr. ABDUL HAMEED KHAN:—"I move, Sir, that the question be now put."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The closure motion cannot be made in the middle of a speech."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"In combating this movement of lawlessness the police had often to come into conflict with large, excited and riotous mobs and crowds. I must say that they have been very moderate and restrained in their actions, however great the provocation was. As you all know, great endeavours were made to seduce them from their duties. They were treated with contempt and were jeered at whenever they went to put down acts of law-breaking. In spite of all this they have been absolutely loyal and did their duty most honourably under the most trying circumstances. Hon. Members know what a good time they had when they went on their electioneering tours and how orderly the elections were conducted. All this is the result of police action which is being wrongly condemned in this House to-day. I think, Sir, I owe a duty to the police that I should say from my place in this Council that the Government are very thankful to them for the splendid manner in which they have discharged their duties and thus preserved peace and tranquillity in this province. Sir, it has been said that we have taken violent action at the very commencement of the movement. We must remember, Sir, that the civil disobedience movement broke out in its most acute form in our Presidency, and the Government have to take very firm action in order that it might be put down in the interests of the security, safety and protection of life and property of the citizens of this Presidency. Some gentleman said, Sir, that they were all non-violent satyagrahis. We know, Sir, how non-violent, or the so-called non-violent movements always lead to violence. We know, Sir, how the non-violent non-co-operation movement led to the Malabar Rebellion, and we know the number of people that were killed in that rebellion."

Mr. B. POCKER SAHIB:—"On a point of order, Sir, the Malabar Rebellion is not in issue now."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Then again, Sir, the non-violent non-co-operation with the Simon Commission was preached. The result was the disturbance in the city on the 3rd February 1928. Therefore, in 1929, I, as the Police Member, was called upon to make police bandobust.

"Now, Sir, I have one or two words further to say. Reference has been made by my hon. Friend, Dr. Natesa Mudaliyar, to the super-maximum force that was used by the police. I do not know what super-maximum force was used. All that we did was to use the minimum force in every instance where the police were interfered with by

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the mob. Stones were thrown on them, they were spat at, they were jeered at, they were talked of with great contempt, and a great deal of provocation was brought on them. It was only then that they acted, and that with great restraint, and did their duty admirably in every instance. Further, Sir, my friend said that the police have taken the law into their own hands. I do not know what law the police have taken into their own hands. I wish my hon. Friend had quoted specific instances of such cases."

* The hon. the PRESIDENT:—"Order, order. It is now six o'clock and the motion automatically lapses. The House will now adjourn and meet again in January 1931 on a date to be communicated later on."

XIII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. [a] G.O. No. 703, Finance, dated 4th November 1930, accepting the resolution of the Legislative Council moved by Mr. J. A. Saldanha at the meeting held on the 8th August 1929 regarding the increase in the number of elected members on the Finance Committee from six to eight.

2. The report [b] of the Madras Services Commission for 1929–30.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.



[a] Printed as Appendix II on page 174 infra.
[b] Printed as Appendix III on pages 175—177 infra.